



#AF/3728  
61

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GALBRAITH et al.

Serial No. 10/053,499

Filed: January 18, 2002

Group No.: 3728

Examiner: Marie D. Patterson

Atty. Docket No. 02-093-US

FOOTWEAR INSOLES

RECEIVED  
JUN 29 2004  
TECHNOLOGY CENTER R3700

NOTICE OF APPEAL TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals from the decision of the  
Primary Examiner, mailed December 23, 2003, finally rejecting  
Claims 1-7 and 12-36.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

**MAILED**

☒ deposited with the United States Postal Service on June 21, 2004 with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

☐ transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

- Lori B. Amoroso

Type Signature Name

*Lori B. Amoroso*  
(Signature of person mailing paper or fee)

\_\_\_\_\_  
(Signature of person mailing paper or fee)

06/25/2004 CNGUYEN 00000101 10053499

01 FC:2401  
02 FC:2253

165.00 OP  
475.00 OP

1. Status of Applicant

This application is on behalf of:

☒ a small entity - verified statement

☐ is attached.

☒ was already filed on September 12, 2002.

☐ other than a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is::

☒ small entity \$165.00

☐ other than a small entity \$330.00

Notice of Appeal fee due \$165.00

3. Extension of Term

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d) (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings.)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a) (1) - (a)(5)) for the total number of months checked below:

	<u>LARGE ENTITY</u>	<u>SMALL ENTITY</u>
<input type="checkbox"/> one month	\$ 110	\$ 55
<input type="checkbox"/> two months	\$ 420	\$ 210
<input checked="" type="checkbox"/> three months	\$ 950	\$ 475
<input type="checkbox"/> four months	\$1,480	\$ 740
<input type="checkbox"/> five months	\$2,010	\$1,045
<b>Fee:</b>	<u>\$amount</u>	<u>\$475.00</u>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for [No.] months has already been secured. The fee paid therefor of \$[Amount] is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request     \$[Amount]

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. Total Fee Due

The total fee due is:

Notice of Appeal fee	\$165.00
Extension fee (if any)	\$475.00
TOTAL FEE DUE	\$640.00

5. FEE PAYMENT

☒ Applicant encloses herewith a check in the amount of \$165.00 for the fee for the Notice of Appeal and a check in the amount of \$475.00 for the 3 month extension of time for a total sum of \$640.00.

☐ The Director is authorized to charge the \$[amount] to Deposit Account No. 18-0582. A duplicate copy of this petition is attached.

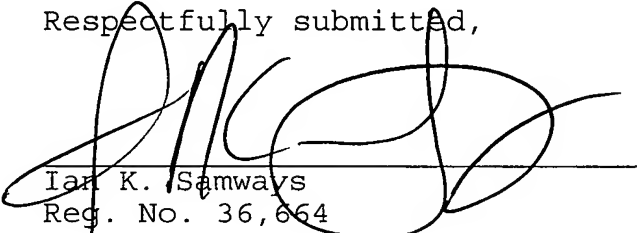
6. FEE DEFICIENCY

☐ The Director is authorized to charge the \$[amount] to Deposit Account No. 18-0582 if any additional extension and/or fee is required. A duplicate copy of this petition is attached.

☒ The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this petition is attached.

Respectfully submitted,

Dated: June 21, 2004

  
Ian K. Samways  
Reg. No. 36,664

REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230  
(412) 288-4160

Agent for Applicants